MEETING OF THE

DISTRICT OF COLUMBIA STATEHOOD
CONSTITUTIONAL CONVENTION

- - -

Thursday, May 13, 1982

5:08 p.m.

Ninth Floor Auditorium
10th and E Streets, Northwest
Washington, D. C.

# P R O C E E D I N G S

(5:08 p.m.)

MR. BALDWIN: Will the convention please come to order? A quorum has been established. We'll have our silent moment of prayer.

(A moment of meditation.)

MR. BALDWIN: We'll ask the secretary if he would please call the roll.

(Secretary Cooper called the roll as follows:)

Mr. Baldwin, here; Mr. Barnes, no response; Mr. Blount, no response; Mr. Bruning, here; Mr. Cassell, no response; Mr. Clark, no response, Mr. Coates, no response; Mr. Cooper, present; Ms. Corn, here; Mr. Croft, no response; Ms. Eichhorn, no response; Ms. Feeley, no response; Ms. Freeman, here; Mr. Garner, no response; Ms. Graham, no response; Ms. Harris, here; Ms. Holmes, no response; Mr. Jackson, present; Ms. Johnson, no response; Ms. Jones, here; Mr. Jordan, no response; Mr. Kameny, here; Ms. Lockridge, here; Mr. Long, here; Mr. Love, here; Ms. Maguire, here; Mr. Marcus, no response; Mr. Mason, here; Ms. Mason, no response; Mr. B. Moore, present; Mr. J. Moore, no response; Mr. T. Moore, here; Ms. Nahikian, no response; Mr. Nixon, no response; Mr. Oulahan, here; Ms. Paramore, no response; Mr.

Robinson, here; Mr. Rothschild, here; Mr. Schrag, here; Ms. Shelton, no response; Ms. Simmons, present; Ms. Street, no response; Mr. Terrell, here; Mr. Thomas, no response; Ms. Warren, present.

MR. COOPER: Mr. Chair, 23 delegates answering the roll.

MR. BALDWIN: Thank you, Mr. Secretary.

I'm sure all of you are aware that this is our fifth session dealing with the article on legislation. We have 17 remaining sections, and we will complete those 17 tonight based on the rules that we adopted last night.

At this point, I will ask Third Vice President Freeman to explain the amendment procedures, and then we will begin with delegate Terrell introducing Section 4. Will you just explain the amendment table?

MS. FREEMAN: Okay. Last night, we adopted a motion that called for delegates, if you know in advance you're going to be submitting amendments on a particular section, to bring it over here. We'll have two delegates take turns every single night for managing this table.

The idea behind it is, one, you can be assured of being called upon. The person who is chairing the meeting will first deal with minority reports, and will secondly then

deal with amendments which have been submitted to this table, written. You are sure to be called upon.

Thirdly, I have a case right now where Courts Oulahan has an amendment to Section 9, and so does Brian Moore; they developed the exact same thing. So, I told them that if they were willing to consolidate it, we would only deal with one amendment instead of two.

MS. CORN: Question.

MR. BALDWIN: We'll begin with Section 4. We'll ask delegate Terrell to make his motion to adopt Section 4. If there is a minority report, he will so state and at that time the minority report for that section will make a motion to amend, or whatever his concern is, and then we'll move to the next amendment, which is from delegate Robinson.

Delegate Terrell?

MR. TERRELL: I'm not clear. Am I to read the section, or just move it?

MR. BALDWIN: No, sir. You will stand up and make a motion to adopt Section 4.

MR. B. MOORE: Mr. President, point of personal privilege.

MR. BALDWIN: What is your point of personal privilege, sir?

MR. B. MOORE: I would just like to get it out of the way before we begin business, but I'd like to ask or make a motion that the body approve a request to the administration to see if they could find some parking for us in the next 14 days -- some free parking, or else it will cost us 60 to $70 just to park on a daily basis here at 4:00.

MR. BALDWIN: I will ask Dr. Austin to pass that on to our executive administrator. Before the meeting is over, there will be some announcements.

We are going to proceed now with our Section 4 so we can move on. Delegate Terrell, if you will --

MS. CORN: Point of information, please.

MR. BALDWIN: Yes, delegate Corn?

MS. CORN: The only amendments that are going to be allowed are those that are written in advance, or will you take any amendments from the floor orally?

MR. BALDWIN: We will take some from the floor orally.

Delegate Terrell?

MR. TERRELL: Fellow delegates, I move the adoption of Section 4, "Disqualifications." There are no minority reports.

(The motion was duly seconded.)

MR. ROTHSCHILD: Point of information. Did we adopt 3, the entire section?

MR. BALDWIN: Three was adopted.

We will proceed with Section 4. You said there was no minority report?

MR. TERRELL: That's what I said, no minority report.

MR. BALDWIN: We have an amendment. Mr. Secretary, if you'll read the amendment from the amendment desk?

MR. COOPER: Amendment by delegate Samuel Robinson --

MS. FREEMAN: Mr. Secretary, there is a change, I understand.

MR. ROBINSON: Mr. Secretary, I added two words. After "other," would you please insert "public elected," and it will be complete?

Mr. Secretary, I have changed it slightly. I should like for two words to be added after "other." The two words are --

MR. BALDWIN: Delegate Robinson, you make the motion and then he'll pick up on it.

MR. ROBINSON: Okay, thank you.

Mr. President, I move to amend Section 4, the first

line and second line, through the word "state." My substitute is, "No legislator may hold any other public elected office or position of profit under the United States or State, nor shall the member," continuing through the --

MR. ROTHSCHILD: Continue what?

MR. ROBINSON: Continuing through the entire article. My substitute is only for line 1 and portions of line 2, ending at the comma after "State." As I read it, "No legislator may hold any other public elected office or position of profit under the United States or State." That is my substitute.

(The motion was duly seconded.)

MR. BALDWIN: It has been moved and properly seconded that the amendment, as read by delegate Robinson, be added. Discussion? Delegate Simmons?

MS. SIMMONS: Yes. I would like to speak to the first part of the amendment, and that is "public elected office," which I want to support. I think it's important. What we have had right here in our own District in the past has been an ambiguous kind of statement that says people cannot hold other elected offices when, in fact, they could, and exceptions were made all the time.

When you say "any other elected office," then you're

saying that a person can't really be president of a PTA or a fraternity or a sorority or some of the civic associations, and I think that that is not the intent. The intent is to see that public elected officials do not have multiple elected positions, and that I support.

In the interests of the new procedure on amendments, Mr. Robinson and I collaborated. He already had an amendment, and I am supporting virgorously the "public elected" portion of that. I will say I have some questions on the profit because I still am of an opinion that we ought to have part-time legislators, and people therefore need to work, and they therefore will need to be able to work for profit or non-profit organizations to support their families.

If the thesis is that the legislators are going to be in session full-time and it will be a full-time and that that will be their salary for their livelihood, then that's something else, and I will, you know, deal with that when I get there.

But, clearly, the latter half of that amendment does lead the way to that proposition, I believe.

MR. BALDWIN: Delegate Robinson, the intent of the first section of your motion is that public elected officials do not hold multiple positions. What is the second part of

your amendment?

MR. ROBINSON: The second part is "or position of profit under the United States or State." It is my contention that this amendment will guard against conflicts of interest. It will also, Mr. President, guard against the dilution of the separation of powers. It will also, Mr. President, guard against the concentration of power.

Also, I would say, sir, that it would guard against self-aggrandizement; that is, a person may be on an ego trip of collecting many, many public offices.

MR. BALDWIN: Is the proposed amendment clear to all delegates? Now, we are just asking for clarity. The next step would be to go to the committee. If it is not clear, raise a question.

As I understand it, there are two separate and distinct parts. One states "no public elected official shall hold multiple positions." Delegate Simmons spoke to that point, and it was very clear to me what it meant. Then we asked for the second part, and the second part deals with compensation -- "no position of profit under the United States or State."

Those of you with your hands up, speak specifically to that part of the amendment that you need clarified.

Delegates Oulahan, Coates, Freeman and Schrag.

MR. OULAHAN: Mr. Chairman, the question I have is this: Would this provision prevent an elected Senator from serving on a public commission which is appointed by the governor -- no salary, no per diem? He sits on it; it would be an intergovernmental commission to which elected members of the legislature are often appointed. The key word is "profit."

MR. BALDWIN: We already know there's no compensation.

MR. ROBINSON: No profit.

MR. BALDWIN: Delegate Coates?

MR. COATES: I'm not clear as to whether this would preclude an elected official from serving as a delegate to a nominating convention, which is a public office, or being a member of a political organization such as might be the case with respect to either the Republican or Democratic State Committee, which again is an elected position.

I guess I do understand correctly, sir, that this would preclude an elected legislator from serving in an appointed position.

MR. BALDWIN: I think the two co-sponsors of the amendment made it very clear that we're talking about, number one, "no other public elected official." The example you

gave, it would not preclude that.

As I understand your motion, would it preclude a legislator from representing his party in partisan politics -- a Democrat going to the Democratic state convention? Is that your question?

MR. COATES: That's correct, to which he has to be elected.

MR. BALDWIN: The answer is no.

Delegate Freeman?

MS. FREEMAN: The only other clarification was in terms of outside jobs. The only outside job you couldn't have is if your employer were the federal government or the state, not any other kind of outside job.

MR. ROBINSON: That is correct.

MR. BALDWIN: Finally, delegate Schrag, then we'll vote.

MR. SCHRAG: Delegate Robinson, I just wondered -- you're adding "United States" to "State" here.

MR. ROBINSON: That is correct.

MR. SCHRAG: Other than that, is there any difference between your amendment and the committee's proposal?

MR. ROBINSON: No, sir. In adding "United States," may I please say, Mr. Schrag, that the close proximity of and

the history of employment in this area with the United States government necessitated including the United States government, as I understand it and as I see it.

MR. SCHRAG: I just wondered why you don't simply add the words "or the United States" after the word "State."

MR. ROBINSON: Of course, I have "profit," sir, and you don't have that in yours.

MR. SCHRAG: Yes, we do.

MR. ROBINSON: You do have "profit?" Where? Oh, you use "salary or benefits," okay.

MR. TERRELL: "Salary or benefits."

MR. ROBINSON: Okay.

MR. SCHRAG: You're intending to cover all public elected offices and all public appointed offices for which there is a salary, is that correct?

MR. ROBINSON: That's correct.

MR. SCHRAG: Thank you.

MR. BALDWIN: As many as are in favor of the Robinson-Simmons amendment, signify by raising your hands.

MR. COOPER: Seventeen.

MR. BALDWIN: Just a second, please. Mr. Terrell, did any member of your committee wish to speak in opposition?

MR. TERRELL: Yes, Mr. President.

MR. BALDWIN: According to our rules, do they understand only one person can speak? Those are our rules that we adopted last night.

MR. TERRELL: That was the understanding, but because Mr. Schrag raised the point --

MR. BALDWIN: All we are saying is we will allow one person from your committee to speak, and we'll move on.

MR. TERRELL: Okay, fine. I thought you were talking about Mr. Schrag.

MR. SCHRAG: I didn't speak. I just asked a question.

MR. TERRELL: That's what I wanted to raise.

MR. BALDWIN: I didn't consider him to be one of those people.

MR. TERRELL: Okay.

MS. JONES: I'd like to speak in opposition to the amendment, and the reason I'm speaking in opposition to the amendment is because I feel that the section says it all. We looked long and hard at other situations, including Attica, where the head guard of Attica prison is the mayor of the city, which makes it very bad if he's elected mayor and he has to leave that jail.

We looked very hard at other situations that

created problems like this, which is the reason we worded it as it is now. I support the committee's wording, not Mr. Robinson's wording, and I urge you to vote no.

MR. BALDWIN: Thank you, delegate Jones. We shall proceed now to vote. Those in favor of the --

MR. B. MOORE: Could they read it, please? Could the secretary read it?

MR. BALDWIN: Mr. Robinson, will you read it, please?

MR. ROBINSON: Thank you. The substitute reads, "No legislator may hold any other public elected office or position of profit under the United States or the State."

MR. BALDWIN: Thank you. Those in favor of the Robinson-Simmons amendment, signify by a show of hands.

MR. COOPER: Fourteen.

MR. BALDWIN: Those who oppose?

MR. COOPER: Seven.

MR. BALDWIN: Abstentions?

MR. COOPER: One.

MR. BALDWIN: Section 4 was adopted, 14, 7, 1.

Delegate Terrell, will you proceed with Section 5, please?

MS. HARRIS: No; that was the amendment.

MR. KAMENY: That was the amendment.

MR. BALDWIN: I'm awful sorry. We will now vote on the original section, as amended.

MR. TERRELL: Mr. Vice President, I move the adoption of Section 4, as amended.

(The motion was duly seconded.)

MR. BALDWIN: It has been moved and properly seconded that we adopt Section 4, as amended. Those in favor, signify by saying yes.

(A chorus of "ayes.")

MR. BALDWIN: Those opposed, nay.

(There were two "nays.")

MR. BALDWIN: Abstentions?

(No response.)

MR. BALDWIN: The yeses have it, and Section 4 has been adopted, as amended.

Section 5, delegate Terrell.

MR. TERRELL: Fellow delegates, I move the adoption of Section 5, as stated.

(The motion was duly seconded.)

MR. BALDWIN: Is there a minority report?

MR. TERRELL: Mr. Vice President, there is a minority report from delegate Love, yes.

MR. BALDWIN: Will the maker of the minority section

please stand and present the amendment?

MR. LOVE: Mr. Chair, I would like to move that we replace the term "four-year term" with the term of two years. I'd like to point out that I have extensive arguments to this in my minority report on pages 3 and 4 that the people can read.

I feel that we are designing a House, not a Senate. In 46 states, Houses are elected for two years, and indeed 12 state senates are elected for two years. I think all that you've have to do is look at how your parks are getting cleaned up and your streets are getting cleaned up this year in the mayoral race. You see that politicians become very sensitive in an election year, and I think by adding people who are elected every two years, we will have people being much more sensitive to the needs of the people themselves.

I'd like to point out that we will have elections every two years regardless, because people are elected to the House of Representatives every two years, so that this will not be an added expense on people. I would also point out that because our districts are relatively small, for most people who are running for our legislature, this will be walking around the neighborhood and talking to folks. It won't mean a lot of expense; it won't mean a lot of money.

One argument against the term of two years is the problem of continuity, but it is very seldom that legislators are voted out of office. It has only happened once in the District government so far. So, I'd like to urge the body to consider the idea of reducing the terms to two years. Thank you, Mr. Chair.

MR. BALDWIN: Delegate Love, if your amendment is adopted, will it be necessary to change line 7, I was wondering?

MR. LOVE: Yes. There will be a few other changes in this section.

MR. BALDWIN: Well, do you have some suggested language for line 7?

MR. LOVE: Well, if we have two-year elections, then the section would just have to read, "The members of the Legislature shall be elected by the qualified voters of the state for a term of two years."

MR. BALDWIN: You've heard the Love amendment. Delegates Kameny, Oulahan and Maguire.

MR. KAMENY: Mr. Chair, I speak against the proposed amendment. Simply as a matter of what seems to me to be practicality, I think two-year terms for elected public officials, in general, are impractically short. The legislator will hardly have taken office -- I speak slightly

figuratively -- before he will be running again, because you run essentially a year before your election. He'll be elected in November and he'll take office in January. By the end of the year, he'll be starting to run again.

I want legislators who have time to do some legislating, and who are not running for office for close to 50 percent of their terms. Leave the running for office until the end of the term. For new legislators who have not been in before, it means that they will be spending most of the first year getting used to their office, learning how to handle it, which takes a good deal of learning. And hardly will they have learned that and gotten into things before they will have to be occupying all their time in running for election again.

I think the two-year terms are impractical and will operate to the detriment of a good legislature. I urge that this minority report be voted down. Thank you.

MR. BALDWIN: Delegate Oulahan?

MR. OULAHAN: Mr. Chairman, I join with my friend, Frank Kameny, and would like to add the following. Under the procedure which you have adopted for referenda, a representative could literally come to office and go out of office two years later, and the legislation which he enacted

would be the subject of a referendum and it might not even have gone into effect. I can't think of any provision which would discourage conscientious, careful people from running for public office than to put it up for two years.

MR. BALDWIN: Delegates Maguire, Simmons and Cooper.

MS. MAGUIRE: I would urge you to vote against the minority report for the reasons stated by delegate Kameny.

MR. BALDWIN: I'm sorry. Are you against or for?

MS. MAGUIRE: Against.

MR. BALDWIN: Thank you. Delegate Simmons?

MS. SIMMONS: Yes. I find myself in opposition to the previous speakers. I believe that every two years, if the United States Congress is not so complex that a person can learn it, and they are full-time, then I simply ask your attention to the District of Columbia.

First of all, I still am hoping that this body is not going to create a continuous session and a full-time legislature. If we have two months in January and February and two months in the fall -- I don't care where you put them -- but if they work four months a year, as state legislatures commonly do, then indeed they've got eight months of two years and they're only working for eight months out of the

two years, which is 24 months, and I think that's more than adequate time for them to do their campaigning without it being to the detriment of the legislation that they are involved in.

I think that until we resolve, basically, what we are talking about in terms of the animal we're creating in the legislature, we continue to have these unnecessary dialogues. If it ever is established, basically, what we stand for in this body in terms of the majority position -- and I'm accustomed to being a minority member -- I would say we could save a lot of our debate because until it's resolved whether or not we're going to have full-time legislators who are paid a salary to sit every day, we're going to continue to have those parts of this which will be in conflict.

So, because I believe it ought to be a part-time legislature and because I believe that out of 24 months, there will be 16 months to campaign, I think it's terribly important.

I also believe, just as exactly as -- I've forgotten who said it; I think it was Mr. Love -- there isn't any question; I just came from a forum with all the mayoral candidates and we had people saying that they are going to implement immediately in mental health what hasn't been

implemented in four years and hasn't even received any attention. But, now, because there are some other candidates who are saying that this is a priority and it is important, suddenly people who have given it shortshrift and wouldn't even return phone calls regarding the issue are now responsive. And I think that's what we get with a two-year term, and I don't think we're going to do any detriment to any kind of legislation.

I urge you to vote against a four-year term so that folks don't get fat and lazy.

MR. BALDWIN: Your position is for the amendment. Cooper and Coates.

MR. COOPER: I rise to speak against the amendment for several of the reasons brought out by delegate Simmons. Her comparison to the U.S. Congress -- I think that's an unfair comparison, in the regard that we have now adopted ourselves a unicameral legislature.

MS. SHELTON: I can't hear.

MR. COOPER: As she failed to point out, although one of those bodies is elected every two years, the other one is elected every six years. I think that we have to extend this term to four years so that these legislators can, in fact, have time to sit down and to legislate.

MR. BALDWIN: We'll hear from delegate Freeman and then the committee will respond -- I'm awful sorry -- delegate Coates, delegate Freeman, and then some response from the committee and then we'll vote.

MR. COATES: Thank you, sir. I support the amendment for all of the reasons the previous supporter spoke, but adding thereunto the fact that it's unfortunate, but legislators in D. C. have contributed to the inefficiency of executive government.

Illustration number one: citizens, because legislators have taken on executive functions, instead of demanding efficiency from executive branch departments and officials and servants to deliver services, short-circuit that process and go to legislators, who spend a disproportionate amount of their time in constituent service and calling up department heads, et cetera, which diminishes and weakens the administrative apparatus.

If legislators are not about full-time and on, extended terms, doing other than legislative work, the ANCs might have some viability in this city. But across this city, ward-elected councilpersons do a disproportionate amount of their time responding to social service delivery, et cetera.

It seems to me, if we consider delegate Simmons' concept of what a legislator ought to be, we can certainly conceive of a limited term, and also a tenure in office which does not exceed two years per term. And the matter of staggered terms can be accommodated by providing, in the first election, that one-half, by lot, serve one year and the others serve two years.

MR. BALDWIN: Delegate Freeman?

MS. FREEMAN: I too want to support the minority report for all the reasons said. I have one thing to add, which is when you realize we're going to have 40 districts, it's not going to take 16 months to campaign and to win in your districts.

MS. SIMMONS: Right.

MS. FREEMAN: We have much smaller districts, and I think that legislators are going to be able to campaign much more efficiently and will, in fact, be in better touch with their constituencies.

MR. BALDWIN: This amendment has been very well covered. We have four for it and three against. We'll ask the committee to respond, if there be any, and then we will vote.

MR. TERRELL: Mr. Vice President, I rise to speak

in opposition to the minority report, and the reasons have already been stated by delegate Kameny and also by delegate Oulahan, and earlier by the committee in the justification for the language in the various sections -- specifically, this section.

In terms of continuity, we felt that the staggered terms -- the way we would have half the Senators elected every two years -- would speak to the issue of continuity. But we felt as a majority that this was the best way to structure this, specifically after talking to a number of experts. One among those was Congressman Barney Frank from the fourth district of Massachusetts, who serves not only as a member of the United States Congress, but also served as a member of the state legislature, and who spoke to the fact that part of the burden he felt on both the state and national level was that of having to campaign every two years. He felt that that took him away from the needs of his constituents.

We felt that a four-year term would free the legislators as far as the city was concerned, to really be able to meet the needs of their constituents. So, I urge you to vote against this amendment.

MR. BALDWIN: Can we, by consensus, terminate debate?

MR. COOPER: Yes, sir.

MR. KAMENY: Yes.

MR. BALDWIN: Those in favor of the Love minority amendment, signify by a show of hands.

MR. COOPER: Nine.

MR. BALDWIN: Those in opposition, likewise.

MS. CORN: Four years.

MR. BALDWIN: Will the body keep quiet, please, while we're voting?

MR. COOPER: Sixteen.

MR. BALDWIN: Abstentions?

(No response.)

MR. BALDWIN: Mr. Secretary, what is the count?

MR. COOPER: Nine in favor, 16 not in favor.

MR. BALDWIN: The amendment was rejected. We'll now have the original -- Mr. Love?

MR. LOVE: I have a second.

MR. BALDWIN: You have a second, but would it deal with what we've just gone over?

MR. LOVE: The next sentence.

MR. BALDWIN: The next sentence?

MR. LOVE: Same section.

MR. BALDWIN: What we have on the floor now is the

adoption of the original section, which is Section 5. Yours deals with Section 6?

MR. LOVE: No; Section 5.

MR. BALDWIN: Okay. We'll hear another minority report from delegate Love on Section 5.

MR. LOVE: I apologize to the delegates for having two minority reports; the second one only came in because of our four-year vote.

The proposal of the committee now is to have four-year staggered terms. I'm going to move the deletion of the sentence that says, "Half the Senators will be elected every two years." In other words, I'm going to move to get rid of staggered terms, and I'd like to give my arguments why.

As you know, in the District now we have staggered terms, as a result of which certain at-large and certain ward people are up for election. If you were to ask a hundred people in the street who was up for election in which wards, they wouldn't have the slightest idea because it's very confusing.

We are proposing to have a 40-member legislature, which means that very small districts are going to be involved in elections. If people are elected in half of those districts to one two-year term and half to another, voters are

going to be almost totally confused as to when people are up for election.

I think there's an additional problem. With staggered terms, some people are going to be elected during gubernatorial and presidential elections, and some people are going to be elected on off-elections. That means the campaigns are going to be very different. In some years, you're going to have to be competing with money that goes to the governor and money that goes to the President; in other years, you're not going to have that competition. That means that the elections will never be identical. Half of the legislature will be elected under one set of circumstances; half of the legislature will be elected under a very different set of circumstances. I don't think that's fair to the legislators.

I would also suggest, having thought about it, although this is not part of my formal amendment, that the best --

MR. BALDWIN: Only speak to your formal amendment, sir.

MR. LOVE: I know. Well, if we decide not to have staggered terms, it would probably be best, perhaps, to have people elected in off-presidential years so that everybody

would be elected when we didn't have a gubernatorial or a presidential election, and that would give the city the time to focus on those elections.

So, I would like to urge that if we have four-year terms, let's have four-year terms that are all at the same time. Thank you.

MR. BALDWIN: The amendment is in the form of a deletion; that is, delete the last sentence. For discussion, we have delegates Kamany and Bruning, and delegate Coates.

MR. KAMENY: Am I recognized, Mr. Chair?

MR. BALDWIN: Yes.

MR. KAMENY: Mr. Chair, I rise to speak against the amendment. The first reason that has been given is that not everybody in the state will be master of all the candidates or all of the particular districts for which a candidate is up for election in a particular year. I think that's irrelevant. All that is important is that you know whether your legislator is running that year.

What is happening in the District is important; it's a valid piece of information. It's nice that we all be well-educated, but all you really need to know is who is running in your district. So, the first point really is quite meaningless, in my view.

Beyond that, I think a much more critical point is continuity so that we have an ongoing legislative body, rather than having the likelihood of a large number of freshmen each time without any continuity, which I think can raise great problems legislatively.

I think a staggered system such as we have here -- incidentally, one of Mr. Love's point can be addressed; I'm not sure when the legislative dates are specified, but we could certainly have all of them in odd years, which would address part of his problem. But I think a staggered legislature, with half elected in cycles in this way, is much preferable for a body that, unlike this Constitutional Convention, is not going to end once and for all, but is intended to keep on going.

So, I urge that you vote against the minority report.

MR. BALDWIN: Delegate Bruning, and delegate Coates following.

MR. BRUNING: I'd like to speak in favor of the motion. I like very much the possibility, or indeed the probability, that the legislature as a whole will be being judged on performance of the legislature as a whole. It seems to me that we have essentially provided an escape clause in

which the legislature can do something which is extremely unpopular. Yet, the rath of the people in the next election would fall on only half of that delegation, and the others will have essentially another two years to avoid the political fall-out of that.

MS. SIMMONS: That's right.

MR. BRUNING: I also believe that by electing everyone at the same time, the mood of the voters at that time is best recognized and given the fullest possible expression. That can be good or that can be bad, but I think that's a valid exercise of democracy.

As for continuity, I would argue that the history, certainly, of the Congress and of the city, by and large, favors incumbents. I don't fear the lack of continuity. I think most incumbents will be elected. On the other hand, if citizens feel the situation is so bad that legislators are so unresponsive, I think we should indeed have a chance to replace those incumbents at one time. Thank you.

MR. BALDWIN: Delegate Coates?

MR. COATES: Thank you. I am in opposition to the amendment. Some of the matters and issues of municipal affairs are so complex that we ought to provide, to the maximum extent possible, the build-up of a fund of expertise

among the legislative body.

But beyond that, sir, although some legislators will tend to be reelected, that might not be the case, and what we are subjecting ourselves to is the dominance of a legislative bureaucracy, so that having a legislative staff continuing with fresh legislators every two years instead of the legislative entity giving the impetus and direction -- they will be more dependent than would be the case otherwise upon the legislative support services, all the way from legislative drafting down to whatever the case might be, and from the highest levels obtaining therein.

So, to avoid that, we ought to provide for a staggering of terms so that we're sure that there's a continuing resource of legislators who are on top of the situation and are not the pawns of that staff on which they might be more dependent.

MR. BALDWIN: Mr. Cooper, please.

MR. COOPER: Fellow delegates, I rise to speak in favor of the amendment set forth by Mr. Love.

MR. OULAHAN: Can't hear you.

MR. COOPER: I rise to speak in favor of Mr. Love's amendment for several reasons; one, keeping in mind that the size of the legislature we did adopt was fairly large -- a

number of 40. A majority of work they will do that is of a substantive nature will be done in committees. I think that having terms of two years breaks up the continuity of those committees and would degrade some of the legislation coming out of them.

If we want good legislation and if we want a good state, we have to have good working conditions in the legislature, and I don't think that we can get that kind of continuity in two years. I think that when we elect our legislators, they should be given the fullest and utmost opportunity to carry their own policies into effect for as long as possible.

And for those reasons, Mr. Chair and fellow delegates, I speak in favor of the Love amendment.

MR. BALDWIN: We've had two for and two against. May we, by consensus, terminate debate and vote?

MR. TERRELL: The committee --

MR. BALDWIN: I'm sorry, delegate Terrell. The committee would like to respond.

MR. TERRELL: Again, fellow delegates, I think that delegate Coates and delegate Kameny have spoken very well to this issue and the reasons that you should vote down this minority report. If for no other reason, to add to what they

are saying, there is one practicality. We cannot afford to have a legislative body where, by some unfortunate circumstances, you're going to have 40 new persons within that institution. I think it would be a very dangerous thing for the state, and I urge you, in terms of continuity again, to vote in opposition to this minority report.

MR. BALDWIN: As many as are in favor of the Love amendment -- i.e., deleting the last sentence of Section 5 -- signify by a show of hands.

MR. COOPER: Six.

MR. BALDWIN: Those in opposition, likewise.

MR. COOPER: Fifteen.

MR. BALDWIN: Abstentions?

MR. COOPER: One.

MR. BALDWIN: The motion was rejected. I've been informed that we have another amendment from delegate Garner regarding Section 5.

MR. GARNER: Thank you, Mr. Chair. I have an amendment that I talked to several delegates about, and that amendment is, in Section 5, line 5, after the word "elected" and before the word "by," insert the following words "on a nonpartisan ballot."

(The motion was duly seconded.)

MR. GARNER: Mr. Chairman --

MR. BALDWIN: I'm sorry; we did not get your amendment. Will you specify the line in the section?

MR. GARNER: Line 5, Section 5, after the word "election," add the following words: "on a nonpartisan ballot."

(The motion was duly seconded.)

MR. GARNER: The line now reads, if I may, "The members of the Senate shall be elected on a non-partisan ballot by the qualified voters of the state for a term of four years." May I speak to that, Mr. Chairman?

MR. BALDWIN: Yes, you may.

MR. B. MOORE: Point of information, Mr. Chairman.

MR. BALDWIN: Yes?

MR. B. MOORE: The delegates keep referring to "Senate." Is that the word we're using?

MR. ROTHSCHILD: Legislature.

MR. KAMENY: It's "Legislature."

MR. BALDWIN: We'll repeat it many times, to change everywhere the word "Senate" appears; to delete it and insert "Legislature."

MR. COATES: Point of order.

MR. BALDWIN: State your point of order, please.

MR. COATES: Have we not, under the sufferage article, considered adopting partisan elections?

MS. SIMMONS: Yes.

MR. BALDWIN: Yes, we have. It is my understanding that you are correct, delegate Coates.

MR. COOPER: Point of clarification.

MR. BALDWIN: Yes?

MR. COOPER: No, we did not consider it. It was set before us. However, that motion was tabled.

MR. BALDWIN: What was tabled?

MR. COOPER: The motion to have non-partisan elections, and that motion is still on the table.

MS. CORN: Point of information.

MR. BALDWIN: Just one second. We want to clear up delegate Coates' -- the chairman of sufferage is not on the floor. Truthfully, delegate Coates, I don't know what that wording was.

MR. COATES: Mr. Chairman, delegate Simmons made a very telling, supporting speech.

MR. BALDWIN: We'll clear up whether your motion is in order; that's what we're attempting to do at this point.

MS. CORN: Point of information.

MR. BALDWIN: There can be no point of information --

we are clearing it up -- unless you can add whether or not this motion is in order. That's the only thing on the floor. If you cannot add some validity that this motion is out of order or is in order -- that's the only thing the Chair will entertain.

MS. CORN: Point of order.

MR. GARNER: The question that was raised during the sufferage article, and I am a member of the committee that submitted that, was an amendment by delegate Brian Moore to permit independents to vote in the party primary of their choice. That amendment was defeated by this body.

The amendment that is proposed to be on the floor is not at all related to that issue; that is, voting in party primaries. There's nothing in the article on sufferage pertaining to partisan or non-partisan elections. That belongs appropriately in the legislative and executive, as established by the rules of this convention.

MR. BALDWIN: Did Executive deal with it? Delegate Simmons, can you shed any light on -- the only question on the floor is whether or not the Garner amendment is in order.

MS. SIMMONS: It is inconsistent with action already taken under the sufferage article.

MS. CORN: Point of order.

MR. BALDWIN: Delegate Corn, will you state your point of order, and it has to be a point of order?

MS. CORN: Let me explain what happened.

MR. BALDWIN: That is not a point of order. A point of order means that we are in violation of some rule.

MS. CORN: This motion to have this legislature --

MR. BALDWIN: Delegate Corn, we'll speak --

MS. CORN: Sir --

MR. BALDWIN: No, no. We're going to run this meeting and proceed in an orderly fashion, and we'll observe all the rules. You do not have a point of order at this time. Maybe you want to raise a question, maybe you want a point of information. I'm not sure what you want, but it is not a point of order.

MS. CORN: Well, then, may I ask you something, please, and will the Chair give me direction?

MR. BALDWIN: Yes.

MS. CORN: I remember this incident very well, and I remember it was I who had asked for non-partisan elections, and it was tabled even though it was seconded. When I had moved that all elections were non-partisan -- that was what my motion was. It was that that was tabled.

Therefore, by asking here that this election for

legislators be non-partisan is a different question altogether than the one that I had raised, which was tabled, and that was that all elections, including those for governor, secretary of state, United States Senator and House of Representatives, be non-partisan. This is just for the legislature.

MR. BALDWIN: We have to be consistent. I'm sure you know we don't want to have one body being elected partisan and another non-partisan, and all of them part of the legislature.

MS. CORN: I don't see that there's any --

MR. BALDWIN: So that we will not spend all night on this issue, if we can't get some factual information -- someone able to stand up and quote, at such-and-such a time we did this or we did not adopt it -- that's the only information the Chair is seeking.

MR. COOPER: Mr. President?

MR. BALDWIN: Just a second, please. We're not seeking opinions, and if anyone is unable to do that, this matter will be considered out of order. Just one second. The parliamentarian --

(Pause.)

MR. BALDWIN: The parliamentarian just remind me that some of you would then have to have a copy of sufferage,

or whatever you referred to and then read it to us and verify that. But we're going to spend 20 or 30 minutes. See, most of you are just saying what you think, and unless you're in a position to present to this body and tell us the section, et cetera, we will move on. The Chair will declare that one out of order and we'll continue on.

MR. GARNER: Mr. Chairman?

MR. BALDWIN: Just one second, please.

Delegate Cooper and then delegate Long.

MR. COOPER: You asked for someone who could speak factually on what the status of it is, and I can speak factually on it.

MR. BALDWIN: Thank you, thank you.

MR. COOPER: The issue of whether to have non-partisan for the legislature never came up. The only issue that came up with regard to non-partisan elections was a motion that was raised by delegate Corn several sessions ago, and that motion is still on the table because it was tabled. It can come before us if untabled, and that is factual.

MR. BALDWIN: The parliamentarian has informed me that, based on what the secretary has stated, we can, in fact, continue the discussion with the Garner amendment. So, we will follow the ruling of the parliamentarian and we'll move

on.

Will you read your amended motion again, please?

MR. GARNER: Thank you, Mr. Chairman. The maendment is to add the following words on line 5 after the word "elected" and before the word "by": "on a non-partisan ballot." Mr. Chairman --

(The motion was duly seconded.)

MR. BALDWIN: You have spoken to it, sir.

MR. GARNER: I have not had a chance to speak to the substance of the motion, Mr. Chairman, and I would like a chance to do that.

MR. BALDWIN: You have one other minute. You have spoken to the substance of the motion.

MR. GARNER: Mr. Chairman, I have not yet had a chance --

MR. BALDWIN: Speak, sir. You know, we're wasting time. Will you porceed to speak to your motion?

MR. GARNER: Thank you, Mr. Chairman. I rise as a very partisan Democrat. Where I grew up and where I live in my heart, the Democratic Party is ordained by God. That is not the issue in this proposal. Neither is this a motion against the proposal by the committee. The committee is silent on the issue of partisan or non-partisan ballots.

What is at stake is whether a large proportion of the population of the new state will be prohibited from being involved in even the most minor aspects of campaigns for the legislature.

As you know, the federal government prohibits its employees from involvement in partisan campaigns. They cannot put up posters; they may not circulated petitions; they may not in any way take an active, public role in partisan campaigns.

We will preclude, by making partisan ballots, a large proportion -- something like 25 percent of the workforce of the District of Columbia -- from active involvement in legislative campaigns. And I urge you to realize that a non-partisan ballot does not preclude party involvement -- excuse me, delegate Coates -- does not preclude party involvement in campaigns.

Parties will still be active, very active. They will endorse candidates, they will run slates, they will recruit candidates. But on the ballot that is presented to the voters, it will not say "Statehood" or "Republican" or "Democrat," or whatever. It will be a non-partisan ballot.

If you want to disenfranchise a large portion of the population of the new state, you should provide for

partisan ballots. But if you want everybody to be involved, and a lot of people who have some government experience to be involved -- that is, federal employees -- I urge you to accept this proposal. It is not against the Democratic Party or the Republican Party or any party. It just permits the maximum amount of participation by the voters in the election for legislators.

I also would like to say that I wish that I could not have the support of delegate Corn, but I will take the votes of anybody I can get when this vote is taken.

MS. CORN: Point of personal preference, Mr. Chair.

MR. BALDWIN: Delegate Garner, those comments were out of order. If you make those type of comments again, we'll have to ask you to leave the floor.

MR. GARNER: I apologize for those comments about delegate Corn.

MR. BALDWIN: It doesn't require any response.

Is there any response from the committee, delegate Terrell?

MR. TERRELL: Yes, there is, from delegate Long.

MR. LONG: If we had adopted a small legislature with clearly large districts, I would feel in sympathy with

what delegate Garner is proposing. However, we have adopted a 40-member legislature. This means that we're talking about legislative districts of about 16,000 population. I believe that the barrier against a non-partisan candidate running in a campaign against partisan candidates is effectively overcome by the small number of voters that are involved.

Essentially, when you run at that level -- and that's just about the size of my ANC -- you're talking about many people you know personally, and party tends to disappear. I expect Republicans to be elected from overwhelmingly Democratic districts in this kind of a situation.

So, I will continue to support the committee's position on this, and I believe that federal workers will be elected on non-partisan ballots.

MR. BALDWIN: Is there further discussion? Delegate Cooper?

MR. COOPER: I think the point that Mr. Garner raised has been missed here. The point that he stated, which I agree with, is the fact that an overwhelming number of residents of the new state will be totally removed from the political process, inasmuch as they are employees of the federal government.

I think that this amendment would maximize

participation by all members of the new state, and I think that that is what we are really looking for -- some kind of equality and democracy. We want our state to reflect all that is good in America, and I think that by doing so, we should not disenfranchise anyone simply because they happen to work for our government, which is so good.

MR. BALDWIN: Delegate Moore?

MR. B. MOORE: I rise to support the amendment on the floor, and I'd like to add something. The other day in the newspaper, a candidate in the county of Arlington was debating whether she should register as an independent or as a Democrat. She's a lifelong Democrat, but she was debating whether she should register as an independent only because she wanted to bring in the federal workers to help her in her campaign. And I think they've had a number of candidates in Arlington who have registered as independents just for that very reason.

I would hope that we, by our legislation here, could enable the federal workers -- approximately 44 percent of the labor force in the District of Columbia are either District of Columbia workers or employees or federal employees. So, close to 300,000 employees out of 600,000 are disenfranchised because of the Hatch Act. So, I support Mr. Garner.

MR. BALDWIN: Delegate Kameny, delegate Coates and delegate Mason.

MR. KAMENY: Thank you, Mr. Chair. I rise just briefly to point out that we are using the word "disenfranchised" promiscuously and incorrectly. To be disenfranchised is to be deprived of the vote. No one is being deprived of the vote by the Hatch Act or by the committee language, and let it be made extremely clear what we are talking about, and it is not disenfranchisement. Thank you.

MR. BALDWIN: Delegate Coates and delegate Mason.

MR. COATES: Dr. Kameny made the point that I wanted to make.

MR. BALDWIN: Thank you. Delegate Mason, and after delegate Mason we will vote.

MR. MASON: I would rise only to point out that one of the previous speakers talked about the percentage of our residents who were federal or District of Columbia employees. It was stated that it may be around 40, and he may well be right; I'm not questioning the number.

I would point out, however, that when we become a state, District employees will become state employees and, for the most part, will not be subject to the Hatch Act. So, the ones we're talking about are the federal employees, not

the state employees.

There will be a few state agencies that, because of federal funds, might have their people covered. But for the most part, it is only the federal employees who are subject to the Hatch Act. There are some people who think the Hatch Act itself ought to be changed by Congress, but in any event the number is not as overwhelming as was implied by some of the people who spoke.

MR. BALDWIN: As many as are in favor of the Garner amendment, signify by raising your hands.

MS. CORN: Point of information, please. May I ask something?

MR. BALDWIN: Yes. What is your point of information?

MS. CORN: May I ask delegate Mason something? Delegate Mason, in other states, like in Ohio or Indiana, if you are a state employee, you are not hatched?

MS. SIMMONS: That's right.

MR. MASON: In general, no. There are certain ones who are because of their salaries being paid by federal funds. But the majority of state employees in other states are not hatched. The Hatch Act is primarily for federal employees. Now, in the District of Columbia, they treat our employees as

federal employees, which would cease when we become a state.

MR. BALDWIN: Delegate Simmons, and then we'll vote.

MS. SIMMONS: I only want to share a piece of information. People are continuing to suggest that the Hatch Act is something that keeps you from doing anything. It has been liberalized considerably, and for people to act like the Hatch Act is something that binds them and keeps -- the only thing they can't be is a chairman or a candidate of a political party. They can do every other thing that relates to a campaign.

MR. BALDWIN: Since that's not on the floor, delegate Garner, there's no point in your responding.

As many as are in favor of the Garner amendment, signify by a show of hands.

MR. COOPER: Eight.

MR. BALDWIN: As many as oppose, a show of hands.

MR. COOPER: Nineteen.

MR. BALDWIN: Abstentions?

(No response.)

MR. BALDWIN: The Garner amendment was rejected.

Mr. Terrell?

MR. TERRELL: Mr. Vice President, I move the adoption of Section 5.

(The motion was duly seconded.)

MS. SIMMONS: Point of order, Mr. President. An amendment was delivered to the secretary, because the amendments person was not there, long before this discussion was ever consummated. I therefore would like to have the opportunity for that amendment to be introduced before the Chair introduces the adoption, as amended, of this section.

MR. BALDWIN: You may present your amendment if it relates to Section 5.

MS. SIMMONS: It does. I would like to add the amendment as follows, on line 7, a new sentence: "A legislator shall serve two consecutive four-year terms, after which the legislator shall not succeed him or herself." May I speak to my amendment?

(The motion was duly seconded.)

MR. BALDWIN: Would you make sure that the secretary has it, please?

MS. SIMMONS: I would like to speak to this amendment. I think that all of the reasons that were used in defense of limiting the two terms for the chief executive, the governor, obtain here.

If the legislator was to be reelected every two years, I can see that it could go ad infinitum. I believe

that if we're going to have representative government and if we're going to build up a cadre of truly sophisticated people, then I see no more reason for a legislator who has four years to have more than two terms than for a governor who has a four-year term to have two of them consecutively.

Then, that legislator, since they are elected every year -- he doesn't even have to stay out for four years. They are elected every two years, so he can then take a breather for two years and come back into the legislative arena, should he desire and should he have the support of that community which he would be representing.

So, I believe that this is a consistent amendment with what was the spirit of the earlier section.

MR. BALDWIN: Delegate Simmons, the secretary has a question.

MR. COOPER: My only question is, as it reads -- "A legislator shall serve two consecutive four-year terms" -- is it your intent that that would be a maximum of two consecutive terms?

MS. SIMMONS: Consecutively.

MR. COOPER: I thought you might want to add some language of "not more than."

MS. SIMMONS: I guess when I say "shall," it

mandates the second term, and I don't intend to do that. I don't intend to mandate to the electorate anything. So, I suppose this should say "may not serve more than two." "A legislator may not serve more than two consecutive four-year terms."

MR. BALDWIN: Discussion? Delegate Corn?

MS. CORN: I wish to speak against this amendment.

MR. BALDWIN: Will you rise, please? You don't have to come up front.

MS. CORN: I wish to speak against the amendment. The reason the governor was limited to two terms consecutively is because the governor is given all sorts of power. He is given the power to appoint judges, to appoint members of commissions, et cetera, with the advice and consent of the legislature. But he still does the appointing -- he or she -- whereas members of the legislature don't have all that kind of power.

As we've said, these districts are going to be small; depending on how the population of this city changes, anywhere from about 10 to about 20,000 people -- right now, about 16,000. A legislator doesn't have that much power. Now, those people in that small district know their legislator very, very well, or if they don't, you can be sure he'll be

voted out of office quickly.

If they like that person, there's no reason that person can't keep serving and serving and serving, until the electorate gets tired of him or her, or he or she wishes to resign or dies.

MR. BALDWIN: Thank you, delegate Corn; I think you've made your point. We've been on this one section for a while, and the Chair will vote.

Delegate Bruning?

MR. BRUNING: I rise to speak --

MR. BALDWIN: Delegate Simmons and delegate Corn, please. Delegate Bruning?

MR. BRUNING: I rise to speak against this motion for the same reasons that I spoke against the limited term for governor. I simply believe the people have the right to elect whomever they want for as long as they want them. The public is perfectly capable of deciding when that person's usefulness, by their definition, has ended, and they can do that by defeating people in the next election.

I may just also add parenthetically that there have been times in the history of this country in which I suspect I have thought that people have had a lock on the presidency, for example. I thought Nixon had an absolute,

overwhelming majority in the next four years, and within two years he was ousted in disgrace.

So, I don't think there is anything we can say or do to underestimate the ability of people to shift and choose between people and decide when they have outlived their usefulness.

MR. BALDWIN: Hilda Mason, and then we'll ask the committee to respond and we'll vote.

MS. MASON: Thank you, Mr. Chairman. I rise to ask two questions. One, do we know how many states have such a restriction on their legislative members? And, two, would we also make this applicable to other elected officials in the new state -- the school board, the agencies, and whomever else we would elect?

MR. BALDWIN: Delegate Terrell, can your committee respond?

MR. TERRELL: I'll ask delegate Schrag to respond.

MR. SCHRAG: The committee urges you to support its report and to reject this amendment. I think delegate Bruning's point is very cogent. Most delegates in this convention have said again and again, trust the people. That's why we have initiative; that's why we have referendum. We've had a lot of "trust the people" provisions in this

constitution.

Now, some of the same people who want to trust the people want to put restrictions on the right of the people to elect a good, honest, hard-working, capable incumbent to another term of office.

MR. TERRELL: That's right.

MR. SCHRAG: Second, I want to call your attention to the fact that we have other devices for removing legislators who are bad ones. One is they come up for election. A second is we have a recall provision; a third is there is an impeachment procedures. There all kinds of ways to deal with a legislator whom you don't want besides getting rid of the ones whom you do want arbitrarily.

Finally, let me point out to you the lame duck problem. A majority of the delegates here have said that they very much want legislators to serve as ombudspeople, as people who will serve their districts by being effective advocates for them with the administration and taking their complaints to the administration.

Well, if you have a legislator who is a lame duck for four years who cannot serve again, why in the world should the governor or the governor's administrative representatives listen to that legislator when that legislator is complaining

about a blocked sewer or a pothole? That legislator is going to be around in the near future. It's only if that legislator has the chance of serving again and voting on the appropriations of that department that that legislator has to be taken seriously. So, I urge you to defeat this proposed amendment.

MR. BALDWIN: Delegate Mason, were your questions answered?

MS. MASON: Mr. Chairman, I rise to say that I too have asked the maker of the motion to answer my questions.

MR. BALDWIN: Delegate Simmons, delegate Hilda Mason would like for you to respond to her questions.

MS. SIMMONS: I can't speak for the city. I only am dealing with the pulsation of this body. This body has dealt with this generic issue during the discussion of the executive branch, and to be consistent --

MR. BALDWIN: That wasn't her question. She was wondering if some research has been done as far as other states.

MS. SIMMONS: We did the research on the executive branch. I assume that the legislative branch did the research on the legislative branch.

MR. BALDWIN: Delegate Mason?

MS. MASON: Mr. Chairman, from my research, I don't know of any other jurisdiction which has that kind of restriction. My other question to the maker of the motion was do we plan to extend that to all of the people who are going to be elected in the District of Columbia -- the school board, ANCs, or whomever else we elect? Do we intend to put a ceiling on the time they could serve in consecutive order? Thank you.

MR. BALDWIN: Do you care to respond, Ms. Simmons?

MS. SIMMONS: Yes. I would hope so, but I am not all-powerful, and so I can't give you a definitive answer. However, I would like for us to deal with one fact.

When we say that a governor, who has to win the approval of all 40 districts, cannot serve, at the will of the people, more than two terms consecutively, then I want to know what is so outrageous that we say that a legislator, who only has about 20,000 people in his district and who could almost buy that many votes and own that many people and remain in office forever -- that somehow, there's something immoral or potentially very wrong about giving up whatever expertise or experience that person has gained.

So, I maintain that we ought to be consistent. I would think it would be much more difficult for a governor to

gain the majority of 40 districts to remain in power, and yet this body said, "No, we don't want that to happen." I'm not really visceral about it one way or the other. However, I think we ought to be consistent.

MR. BALDWIN: Delegate Bruning?

MR. BRUNING: I move the previous question.

(The motion was duly seconded.)

MR. BALDWIN: By consensus, shall we conclude debate?

MS. FREEMAN: Yes.

MR. BALDWIN: Those in favor of the Simmons amendment, signify by a show of hands.

MR. COOPER: Nine.

MR. BALDWIN: Those in opposition, likewise.

MR. COOPER: Thirteen.

MR. BALDWIN: Abstentions?

MR. COOPER: One.

MR. BALDWIN: The Simmons amendment was rejected.

MR. TERRELL: Mr. Vice President, I move the adoption of Section 5.

(The motion was duly seconded.)

MR. BALDWIN: It has been moved and properly seconded that we adopt Section 5. Those in favor, signify by

saying yes.

(A chorus of "yeses.")

MR. BALDWIN: Those who oppose, nay.

(There were two "nays.")

MR. BALDWIN: Section 5 has been adopted.

Section 6?

MR. TERRELL: Fellow delegates, I move the adoption of Section 6, as presented in the committee's proposal.

(The motion was duly seconded.)

MR. BALDWIN: Is there a minority report?

MR. TERRELL: Mr. Vice President, there are no minority reports for Section 6.

MS. SIMMONS: I move the previous question.

MS. CORN: Point of order.

MR. BALDWIN: We have from the amendment desk some amendments, and I'll call on those in this order: delegate Corn.

MS. CORN: There is a definite inconsistency in Section 6 here.

MR. BALDWIN: Delegate Corn, would you please rise, and also state what your amendment is?

MS. CORN: There is a definite inconsistency in Section 6 here.

MR. BALDWIN: Delegate Corn, you must make an amendment, please.

MS. CORN: Okay. I move that starting on line 13, where it says "the population" -- starting from there to the end of line 15 be struck, and that the words already adopted under Apportionment be put in its stead, which reads, "Each district shall have a population which varies no more than three percent in the average population of all districts."

(The motion was duly seconded.)

MS. CORN: I do this merely to eliminate an inconsistency that I readily see right now. Either you have to change that one to this or this one to that; it doesn't matter to me which.

MR. BALDWIN: It has been moved and properly seconded that we delete, beginning on line 13, "population" --

MS. HARRIS: There are two words "population." Ask her to read the complete sentence, Jim.

MR. BALDWIN: Do you want the first or second "population?"

MS. CORN: It reads --

MR. BALDWIN: Just the first or second "population," Ms. Corn; that's all I need. There are two "populations" on line 13. Is your intent the first or the second "population?"

MS. CORN: Start eliminating at line 12, starting "All shall be so nearly equal in population that" -- after that, cross off everything from that on, starting with, "the population of the largest district shall not exceed that of the smallest district."

MR. BALDWIN: Are you saying just delete the last sentence?

MS. CORN: No. I'm saying delete the words on line 13, "the population of the largest" -- everything on 14 and everything on 15, and substitute the language already adopted.

MR. BALDWIN: Delegate Corn, it's very simple. All you're saying is the second "population" -- that was my question -- you're saying start with that one and go through line 15.

MS. HARRIS: Point of information.

MR. BALDWIN: Just a second, please. That's your intent, to begin with "the population" on line 13, through 15?

MS. CORN: That's correct.

MR. KAMENY: And substitute the language.

MS. CORN: And substitute the language, "Each district shall have a population which varies by no more than three percent from the average population in all districts."

MR. COOPER: Mr. President, could we have that submitted in writing?

MR. BALDWIN: Will you submit it in writing to the secretary?

Therefore, we'll entertain discussion and we'll hear from the committee first. Delegate Terrell, who will represent the committee?

MR. TERRELL: Mr. Vice President, my hand was raised to present a substitute motion to deal with this particular issue. So, if I am not in order, whenever I am in order I'd like to do so.

MR. BALDWIN: You can never present a substitute motion while something is being amended. She is in the process of amending.

MR. TERRELL: When I might be able to, I will do that.

MR. BALDWIN: The question again is does your committee wish to respond to the primary amendment that's on the floor?

MR. TERRELL: The point was that we were going to delete the entire section.

MR. BALDWIN: Discussion? Delegate Bruning?

MR. BRUNING: Yes. I hope this is taken in the

spirit of a friendly amendment or a substitute. Change the word "five" in line 15 to --

MR. BALDWIN: Let's make it clear what we can do. You can, in fact, amend her primary amendment; it would then be a secondary amendment. You cannot offer a substitute motion, but you may amend and it doesn't have to be a friendly amendment. Just amend, if you have an amendment to that particular section.

MR. BRUNING: Never mind.

MR. BALDWIN: Thank you. Any discussion? Delegate Schrag?

MR. SCHRAG: Mr. Chairman, Mr. Terrell is going to suggest that we simply delete the entire section. Everything in the section has already been approved in the sufferage article, and if we just take this section altogether, we don't need this amendment; we don't need the section. We can cut short a lot of debating time.

MR. BALDWIN: Thank you.

(The motion was duly seconded.)

MR. BALDWIN: It has been moved and properly seconded by the committee that we delete Section 6.

MS. HARRIS: That's not on the floor.

MR. COOPER: Mr. President, the amendment is still

before us; we have to do something with it.

MR. BALDWIN: We are doing something. The committee has the right -- to save time, there's no point in saying that he can't make that recommendation.

MS. HARRIS: That has to be voted on.

MR. COOPER: Mr. President, you said a few minutes ago that a substitute wouldn't be in order, so we either withdraw this motion or defeat it.

MR. BALDWIN: Thank you very much. The Chair will now vote on this amendment, and then we'll entertain your motion.

MR. TERRELL: Fine.

MR. BALDWIN: Those in favor of the Corn amendment --

MS. CORN: No. The Schrag --

MR. COOPER: No; yours is on the floor.

MR. BALDWIN: No, no.

MR. TERRELL: Will you withdraw it, Gloria, so that we can delete the entire section?

MS. CORN: I will only withdraw mine if yours definitely passes.

MR. TERRELL: Right.

MR. BALDWIN: No, no, wait. What we have on the floor is the Corn amendment, and we will now vote. We will

not negotiate these kinds of things. We have to get it off the floor. They asked you if you would take it off, and you said no.

MS. CORN: May I ask a question of the Chair?

MR. BALDWIN: Yes, you may.

MS. CORN: If my amendment is voted up, can they subsequently make the motion to delete the whole thing?

MR. TERRELL: Yes.

MR. BALDWIN: Yes.

MS. CORN: Yes?

MR. BALDWIN: Yes.

MS. CORN: Fine. Could I have one second, please?

MR. BALDWIN: Sure.

(Pause.)

MS. CORN: I'm not going to withdraw.

MR. BALDWIN: Okay. As many as are in favor of the Corn motion, signify by raising your hands.

MR. COOPER: Ten.

MR. BALDWIN: Those who are in opposition to the Corn motion, raise your hands.

MR. COOPER: Fourteen.

MR. BALDWIN: Are there any abstentions?

(No response.)

MR. BALDWIN: Mr. Secretary, what is the vote?

MR. COOPER: Ten in favor, 14 not in favor.

MR. BALDWIN: The motion lost.

I understand there is a motion from the chair of the Legislative Committee.

MR. TERRELL: Yes. Mr. President, I move that we delete Section 6 entirely from the proposed article. May I give you the reason why?

MR. BALDWIN: You stated it earlier, but you may repeat it.

(The motion was duly seconded.)

MR. TERRELL: The reason that we're asking you to delete it is because the issue that's dealt with in the first sentence is really covered in Section 2, and the remainder of the article is dealt with in the article dealing with apportionment. Because there is no need for this section, we're asking that you would delete the section.

MR. OULAHAN: I withdraw my amendment. I support the amendment by the committee.

MR. BALDWIN: It has been moved and properly seconded that we delete Section 6. Is there any discussion?

(No response.)

MR. BALDWIN: Is there any discussion?

(No response.)

MR. BALDWIN: Having heard none, those in favor of deleting Section 6, signify by a raise of hands.

MR. COOPER: Twenty-four.

MR. BALDWIN: Those in opposition, raise your hands.

MR. COOPER: None.

MR. BALDWIN: Abstentions?

(No response.)

MR. BALDWIN: Section 6 has been deleted.

Section 7, delegate Terrell?

MR. TERRELL: Fellow delegates, I move the adoption of Section 7, which is presented in the proposed article from the committee.

(The motion was duly seconded.)

MR. TERRELL: Mr. Vice President, there is a minority report.

MR. BALDWIN: Would the maker of the minority report at this time make an amendment?

MS. SIMMONS: Point of information, Mr. President.

MR. BALDWIN: Yes, delegate Simmons?

MS. SIMMONS: Should we not now refer to that as Section 6, just so we can move on?

MR. BALDWIN: Yes, it is now new Section 6.

MR. LOVE: Fellow delegates, I would like to move an amendment changing line 18. It reads presently, "They shall assume office on the second Monday of January following their election." I'd like to move to say that they shall assume office on the day after their election.

MS. CORN: After they are certified.

MR. LOVE: The day after election.

MR. BALDWIN: We would ask you to refrain from discussion at this point. He's attempting to get it on the floor. There's nothing on the floor for anyone to be speaking to.

Are you ready, delegate Love?

MR. COOPER: Was there a second?

MR. BALDWIN: Was there a second?

(The motion was duly seconded.)

MR. BALDWIN: Discussion? Delegate Oulahan, delegate Love has asked to speak first.

MR. LOVE: I'd like to speak briefly to my motion. We recently had a speech about lame ducks and the fact that once somebody wins an election, whoever is in office is not very effective. As it currently stands, people would be elected, hopefully, by November 4th or 5th, and they would not begin serving in office until January. There would be two

months where people who had been voted out of office would still be in office.

There are several reasons, I think, why this is a bad idea. One of them is that many people have to quit their jobs to run for office. Even though they win the election, their pay will not start until January. People who run for office often find they have no money left in order to support themselves. They spend it on the campaign, and even though they have won, they do not get to enter office.

Another problem is that the new legislature will begin the day he will begin in office. So, that means they will have to walk in, set up their office and begin legislation at the same time. If you allow them to enter into office a couple of months early, they can organize their office, get their staff together and start thinking about legislation, so that they will have a chance when the beginning of the session opens to be prepared for the session.

I'd like to point out that several states already have this; I'd mention them -- Alabama, Hawaii, Maryland and Nevada. The terms all begin on the day after election. South Dakota begins the Monday following the election.

Now, I have left it off, saying the day after their election. It's slightly ambiguous because, as you know, people

are not always elected here as quickly as they should be. Certification often takes a while, so I've tried to leave this so that they will assume office the day that they are certified. Hopefully, as our Board of Elections improves, they will be certified closer and closer to when they are voted in.

But I think if people win an election, they should be able to be paid and start their staff right away, and they should not have to wait for two more months. Thank you.

MS. CORN: Point of information.

MR. BALDWIN: Point of information, delegate Corn.

MS. CORN: I'd like to ask delegate Love something. As you know, after an election is certified, whether that is the next day or two weeks later --

MS. SIMMONS: Or a month.

MS. CORN: -- or a month later, yes, there is what's called a challenge period, whereby the loser has the opportunity to ask for a recount and to even challenge the recount in court. And if you allow someone to --

MR. BALDWIN: You're making a statement, delegate Corn. You're not asking for a point of information.

MS. CORN: In your scheme of things, would you allow somebody to be seated the minute they are certified, and not

allow for that time period of a challenge in court or for a recount?

MR. LOVE: My wording is clear. The day after their election, they would serve.

MS. CORN: In other words, you're saying you would not allow time for recount or court suits or anything like that -- challenges?

MR. LOVE: I would let the legislature deal with that.

MS. SIMMONS: My point is one of clarification, Mr. President.

MR. BALDWIN: Yes, delegate Simmons?

MS. SIMMONS: I don't know whether Mr. Love is using his words -- the point is you are not elected until you have been certified. So, all of those mechanisms which are permitted as part of the election process have to obtain before certification occurs, so election does not occur. It's balloting that occurs on election day. You are elected after the electing process, which includes the challenge period and includes the certification by the Board of Elections.

So, his terms are accurate, but it's important that you know precisely what he's saying.

MR. BALDWIN: Delegate Oulahan?

MS. CORN: Point of information.

MR. BALDWIN: We will proceed with the discussion, please.

MR. OULAHAN: Mr. Chairman, I rise in opposition to the motion. I have to say that I want to compliment Mr. Love on the presentation and the facts that he has presented in his minority report. It's an excellent example of work. However, I have to disagree in principle.

What he is creating here is really a legislative tangle, almost, if it's going to occur at the end of the fiscal year. Legislators who are voted out of office and may not know they are voted out of office until several days after the election are going to have to vacate their premises immediately. They ought to be given a decent interval to bury their political hopes.

At the same time, there may be other things going on in the Congress in the rag-tag months of the year through December when present legislators should be permitted to continue the work even if they are defeated. I just believe that this kind of provision will create legislative chaos, even though I recognize the maturity of the arguments made by the proposal.

MR. BALDWIN: Delegate Corn, you weren't here last

night. The new rules, and especially one that would apply to you, are that no delegate may speak to a section more than once.

Delegate Mason?

MR. MASON: I rise in opposition to the amendment, and point out one fact which I don't think anyone else has brought out, and that is at least our present Board of Elections does not always certify every district at the same time. So, there might conceivably be two or three weeks when there will be some of the hold-overs still there and some of the new ones still there, and then we've got a mixed legislature existing during that particular time.

If they are called into a special session at that time, you have some who are lame ducks and some who are brand new voting together. And I think that it's a very poor idea to have them go into office at different times. It would be much better to set a specific date long enough afterwards that all these recounts and things will be taken care of. Then everybody can take office at once.

MS. CORN: Excuse me, point of order.

MR. BALDWIN: Delegate Simmons, and then we'll have some response from the committee.

MS. CORN: Point of order.

MS. SIMMONS: I'd just like to make it clear as a statement of --

MS. CORN: Point of order.

MR. BALDWIN: Delegate Corn, you always say "point of order" and you don't have a point of order.

MS. CORN: If I have --

MR. BALDWIN: Just a second, please; no, no, no.

MS. CORN: I'm sorry; that's a point of personal privilege.

MR. BALDWIN: You're out of order.

MS. CORN: No, sir, I am not. I have the rules in front of me that were passed last night.

MR. BALDWIN: Delegate Simmons?

MS. CORN: No delegate can speak to a section more than twice; it's right here in the rules you passed last night.

MR. BALDWIN: It says until others have finally spoken. There are still people who haven't spoken, so we'd like to proceed.

MS. CORN: But that's not what you had quoted me before. You said only once to a section, and I've spoken once.

MR. BALDWIN: Delegate Simmons, and after you've

spoken, we'll ask the secretary to read what was adopted regarding debate.

MS. SIMMONS: I would like to point out that presently the Board of Education operates as is proposed for the legislature in this minority report.

MR. BALDWIN: Delegates Rothschild, Corn and Brian Moore, will you please go out if you wish to discuss something, please? There's someone speaking on the floor.

MS. SIMMONS: Following election and certification, the person comes on, and even though the ceremonial activities don't take place until January, that person is indeed on the Board.

I think that one of the things we ought to be very sure we don't get caught up in and guilty of in writing a constitution that reflects an experience or history of ineptitude on the part of the Board of Elections -- I think that that bad management and that lack of efficiency, which makes certification less than clean, clear and expeditious, ought not to be accommodated in our constitution.

MR. BALDWIN: At this time, I'll ask the secretary to read to the delegates, especially for the benefit of those who were absent last night, the procedures.

MR. LOVE: She's not here.

MR. BALDWIN: I'm talking to Mr. Cooper, the secretary. That's okay -- the procedures and our rules that were adopted last night regarding debate.

MR. COOPER: I don't have those in front of me right now. If you want me to compile them, it will take a few moments.

MR. BALDWIN: Okay. The secretary will compile them and in another few minutes, he'll have them for us.

Are there other unregistered motions or any further discussion?

MS. CORN: I have an amendment.

MR. BALDWIN: Are there other discussions on the present amendment?

MR. TERRELL: Mr. President?

MR. BALDWIN: Yes, from the committee?

MR. TERRELL: Mr. Schrag will speak for the committee.

MR. BALDWIN: Mr. Schrag?

MR. SCHRAG: I'll wait.

MR. BALDWIN: Delegate Rothschild and delegate Brian Moore, this will be the last time the Chair will speak to you.

MR. ROTHSCHILD: Wait a minute; point of personal preference. I was speaking --

MR. BALDWIN: No; you were out of order.

MR. ROTHSCHILD: No, no, no; that's a little bit outrageous. I was leaning over and speaking into his ear; I was not making too much noise.

MR. BALDWIN: You thought you weren't.

MR. ROTHSCHILD: I wasn't. I think you make more noise sometimes than you should.

MR. BALDWIN: Delegate Terrell?

MR. SCHRAG: Mr. President?

MR. BALDWIN: Yes?

MR. SCHRAG: Delegate Corn is going to speak again, and I'll reserve until after she speaks so that we may speak last.

MR. BALDWIN: Okay.

MS. CORN: At this point, the amendment is that they be seated immeidately. Is that the amendment you're still on?

MR. BALDWIN: Yes.

MS. CORN: I speak against it, and I'll tell you why. First of all, if you look at the election procedures, first there is the election. At some time thereafter --

MR. BALDWIN: Delegate Corn, this is the third time I've had to ask you to rise when you speak to the body.

MS. CORN: I'm sorry.

MR. BALDWIN: It doesn't mean you come to the front; you just rise and speak to the body.

MS. CORN: I speak against this amendment for a couple of reasons. If you know the election process, while it's true that first you run on the polls on Tuesday and then sometime thereafter your election is certified, if you know the process really well, you know that there can be no challenge nor a court suit until the Board has, in fact, certified the election.

So, let us assume the election is November 4th and you're certified November 5th. Then, let's talk about this Board of Elections.

MR. KAMENY: December 5th.

MS. CORN: The Board certifies it November 5th; that's more like it here. Then, first, there is a challenge period, in which case you can demand a recount. And if you're not having a recount or you feel that the election procedures were in some way misused or abused or there was something wrong going on at the polls, then you can sue in court. But the certification comes first before that, so that's one reason I speak against this.

There is a second reason I speak against this. For those of you who have been candidates more than once, you know

how tired you are after an election. You're emotionally and physically spent; you need about a week in bed, usually, just to catch up with your rest. Your friends who supported you, if you win, all gather around and you have obligations to your supporters to thank them, to write thank-you notes, and to hold parties, et cetera.

MR. BALDWIN: That's not germane to what is on the floor.

MS. CORN: It is germane because you need that time to get your life in order; to close your campaign books, get your life in order and be mentally and physically ready to assume office, and that does take over a month.

MR. BALDWIN: Delegate Schrag?

MR. SCHRAG: The committee urges you to support its position. I'll just make two short points. One is that delegate Mason is correct in saying that if we have a procedure that permits different, newly-elected legislators to begin their terms of service on different days, as the challenge periods end and court suits end and the Board of Elections gets around to certifying them, then we will have a very unstable situation in the legislature where there's shifting majorities every day, depending on who happens to have been seated and who happens not to have been seated that particular

day, and we may have very weird results in our legislation, as people take advantage of a temporary majority.

The second factor is related to something that delegate Corn said. It's not only that candidates are tired after an election; it's also the fact that they need -- we're talking about new legislators here, because this doesn't affect incumbents; they just keep on serving. But new legislators need a certain period of education.

Think back to last November when you were elected to this convention; think of all the seminars that we had and of all the time that we needed to get ready to start doing our job. If we had been propelled into office the very day after we had been elected, we would not have done, I think, as creditable a job as we have done so far.

In addition, there's the need to find and retain staff during that interim period. There's a good reason why, in our federal government and in many other legislatures, there is a short transitional period while the legislators, newly-elected, collect themselves and prepare to serve in that office.

MS. CORN: Call the question.

MR. BALDWIN: Can we, by consensus, terminate debate?

MR. COOPER: Yes.

MR. BALDWIN: Do you want to read the motion, Mr. Secretary?

MR. COOPER: Yes. The amendment, as set forth by delegate Love, would strike from Section 7 line 18, the words beginning with the word "second" and ending with "following," and in their place insert the words "day after."

MR. BALDWIN: Those in favor of the Love amendment, signify by a show of hands.

MR. COOPER: Two.

MR. BALDWIN: Those who oppose?

MR. COOPER: Twenty-four.

MR. BALDWIN: Abstentions?

MR. COOPER: One.

MR. BALDWIN: Section 7 --

MS. CORN: No. I have --

MR. KAMENY: There's another amendment.

MS. CORN: There is another amendment.

MR. BALDWIN: Just keep quiet and we'll get to you.

Mr. Terrell, there are no other amendments to your motion?

MR. TERRELL: Mr. Vice President, I move the adoption of Section --

MS. CORN: Point of order.

MR. KAMENY: There's another amendment.

MS. CORN: Point of order.

MR. BALDWIN: What amendment is it?

MS. CORN: Point of order. Sir, you told us that if we put down our amendments over there --

MR. BALDWIN: All you have to say is --

MS. CORN: -- that we certainly would be called upon, and I very much resent going through this process just to be ignored again.

MR. BALDWIN: Which ones of these are amendments?

MS. FREEMAN: You have delegate Corn's on that list, delegate Baldwin.

MR. BALDWIN: Delegate Terrell, are we on the next 6?

MS. CORN: The old 7.

MR. TERRELL: This is the old 7, new 6.

MR. BALDWIN: Delegate Garner?

MS. FREEMAN: Those are all the old sections.

MR. BALDWIN: Well, the problem was that once we changed them -- we'd like everyone now to change the sections, and let's refer to them as the proper sections.

(Pause.)

MR. BALDWIN: The numbers will remain the same, and

the committee decides that Style and Drafting will make that change, so we're now dealing with Section 7. The amendments for 7 -- all I have is one, and that's from delegate Corn. Delegate Corn, 7.

MS. CORN: Okay. I move, in line 17, to delete the words "even-numbered" and substitute in place of those words the word "odd." So, it will read, "Members of the Senate shall be elected at the general elections in odd-numbered years."

(The motion was duly seconded.)

MS. CORN: Now, may I speak to my motion?

MR. BALDWIN: Yes, you may.

MS. CORN: I moved this way for a number of reasons.

MR. BALDWIN: Stand up.

MS. CORN: First of all, every even-numbered year, you're going to be electing United States Congressmen. Every four years, on even years, you're going to be electing the secretary of state and the governor. Considering that there are going to be at least 20 people running for the legislature each shot, and maybe more if somebody has died in office recently or resigns because of ill health or is taken out of office, it is going to be very confusing for the voters to follow who is running, all their platforms, what's going on,

and who is the best candidate to serve them.

If you do this in odd years, first of all that means that there can be much more attention focused on who your legislator is,,what his or her qualifications are, what they can do and what they have done, because it's not interferring with the Senatorial elections, Congressional elections, gubernatorial elections and the other elections.

Also, if you do decide up any local government, it would be logical to do it in the odd years too, because then the voter is not overwhelmed with 30 different offices to vote for on the ballot in the same year. I mean, you've all gone through this thing running as candidates where your friends wanted to vote for you and they couldn't even find your name on the ballot because they have been handed so many ballots. This will cut down on some of the ballots.

MR. BALDWIN: Delegate Terrell, does the committee wish to respond?

MR. TERRELL: If there are no other responses. We wanted to be last.

MR. BALDWIN: Okay. Delegate Kameny?

MR. KAMENY: I rise in support of this motion. I submitted the amendment independently of delegate Corn, but precisely the same amendment. I feel that this would make our

legislative elections independent in terms of the time setting from other major elections, as delegate Corn said.

Additionally, it would have the benefit of addressing a concern of delegate Love's. It would make the two sets of legislative elections each two years on an equal basis, so that you wouldn't have one set of legislators running in competition, so to speak, with the President, whereas the other ones would not, but they would be elected in off-years and on a much more even, equal basis with each other. So, I urge adoption of this particular amendment. Thank you.

MR. BALDWIN: Does anyone else wish to speak to this amendment?

MS. CORN: I would speak one more time, if I'm allowed.

MR. BALDWIN: Is there anyone else who wishes to speak to this amendment?

(No response.)

MR. BALDWIN: Having heard none, we move to the previous question by consensus.

MR. TERRELL: The committee.

MR. BALDWIN: I'm sorry; the committee.

MR. TERRELL: Mr. Vice President, Mr. Moore will speak for the committee.

MR. BALDWIN: Mr. Moore?

MR. T. MOORE: Mr. Chairman, the majority of the committee feels that this will more or less increase voter participation. It is the desire of the committee that the legislators be elected at the same time as the national elections are held. As a result, we will have a tremendous turn-out, and that will be more voter participation in conjunction with the national level.

In addition to that, it would save money. So, the committee is in favor of this report.

MR. BALDWIN: We have heard both sides. We have also heard from the committee. All those in favor of the amendment, signify by a show of hands.

Mr. Secretary?

MR. COOPER: Sir?

MR. BALDWIN: We're counting those who are in favor.

MR. COOPER: Four.

MR. BALDWIN: Those who are in opposition, likewise.

MR. COOPER: I can't tell if Mr. Jackson's hand is up or if he's rapping, or what.

MR. BALDWIN: Let's assume it's up.

MR. COOPER: It has been up.

MR. LINDO: He's not in the room.

MR. BALDWIN: That's right; he's not in the room anyway. I thought you meant Moore.

MR. COOPER: Twenty-four.

MR. BALDWIN: Abstentions?

(One hand was raised.)

MR. BALDWIN: The count, please.

MR. COOPER: Four in favor, 24 not in favor, 1 abstention.

MR. BALDWIN: The amendment was rejected.

MR. TERRELL: Mr. Vice President, I move the adoption of Section 7, as stated in the committee's proposal.

(The motion was duly seconded.)

MR. BALDWIN: It has been moved and properly seconded that we adopt Section 7. Those in favor, signify by a show of hands.

MS. SIMMONS: Section 6.

MR. KAMENY: Seven.

MR. LOVE: We're using the old numbers, 7.

MR. COOPER: We're using the numbers, not the old ones.

Twenty-three.

MR. BALDWIN: Those opposed, likewise.

MS. CORN: Opposed.

MR. COOPER: One.

MR. BALDWIN: Abstentions?

(No response.)

MR. BALDWIN: Section 7 has been adopted.

Section 8, delegate Terrell?

MR. TERRELL: Fellow delegates, I move the adoption of Section 8, as stated in the committee's proposal.

(The motion was duly seconded.)

MR. BALDWIN: Is there a minority report?

MR. TERRELL: Mr. Vice President, there are no minority reports for Section 8.

MR. BALDWIN: Delegate Corn has an amendment.

MS. CORN: Yes.

MR. BALDWIN: Delegate Corn, would you please stand?

MS. CORN: I would move to delete the words "as provided by law" and substitute in their place "at a special election to be held within 60 days, unless a general election is to be held within 90 days, at which time the vacancy would be filled by that election." And then I have a second sentence, "The Governor shall not appoint any person to fill a vacant legislative seat" --

MR. BALDWIN: One at a time, delegate Corn.

MS. CORN: Okay.